

REMARKS

In the final Office Action dated June 2, 2005, claims 1, 2, and 25-27 were rejected under 35 U.S.C. § 102(b) as being anticipated by Cathey (U.S. Patent No. 3,531,668); claim 11 was rejected under 35 U.S.C. § 102(b) as being anticipated by Rayner (U.S. Patent No. 3,217,193); claim 18 was rejected under 35 U.S.C. § 102(b) as being anticipated by Mela et al. ("Mela") (U.S. Patent No. 3,242,418); claims 3-10, 12-22, 24, and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cathey in view of Mossay (U.S. Patent No. 3,009,072); and claims 18 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mossay in view of Rayner.

Claims 1-27 and 29-31 are now pending in this application. By this Reply, Applicants have amended claims 1, 11, 12, 18, and 25, and added claims 30 and 31.

Rejections Under 35 U.S.C. § 102(b)

Applicants respectfully submit that the Section 102(b) rejection of claims 1, 2, and 25-27 based on Cathey should be withdrawn because Cathey fails to disclose each and every claim element. For example, independent claim 1, as amended, recites a combination of elements, including, *inter alia*, "an end plate . . . having an annular ring and at least one fluid passage . . . being configured to direct cooling liquid directly from the annular ring into the operating region." (Emphases added.) Cathey fails to disclose at least these claim elements.

In the final Office Action, the Examiner asserted that Cathey discloses "[a]n end plate (13) adjacent the cooling jacket and having an annular ring (Figure 1) and at least one fluid passage (47) formed therein, the fluid passage being configured to direct

cooling liquid from the annular ring (through 42) into the operating region (through 47).” See final Office Action at page 3 (citing Cathey, Fig. 1). Other than generally citing Fig. 1 of Cathey, the final Office Action fails to specify any alleged disclosure of an “annular ring,” as required by claim 1. Moreover, no portion of Cathey itself discloses inlet port 42 as an “annular ring.” Furthermore, Cathey discloses cooling liquid from inlet port 42 first being delivered to bearings and then to a motor housing. See Cathey, column 3, lines 25-39. Delivering cooling liquid from inlet port 42 to the bearings and then to the motor housing does not constitute “an end plate . . . having an annular ring and at least one fluid passage . . . being configured to direct cooling liquid directly from the annular ring into the operating region,” as required by claim 1. (Emphasis added.)

Claim 25, although different in scope, includes language similar to the above-mentioned language of claim 1. Therefore, independent claim 25 is allowable, for reasons at least similar to those discussed above. Dependent claims 2, 26, and 27 ultimately depend from one of claim 1 and 25, and, therefore, are allowable at least due to their dependency.

Applicants respectfully submit that the Section 102(b) rejection of claim 11 based on Rayner should be withdrawn because Rayner fails to disclose each and every claim element. For example, independent claim 11 recites a combination of elements, including, *inter alia*, “at least one passage connected to an annular ring, the annular ring being in fluid communication with the cooling duct” Rayner fails to disclose at least these claim elements.

In the final Office Action, the Examiner asserted that Rayner discloses “[a]t least one passage (42) in communication with the cooling duct, wherein the at least one

passage is configured to direct the cooling liquid into the operating region.” See final Office Action at page 4 (citing Rayner, Fig. 1). However the fluid passage (42) disclosed by Rayner is not “at least one passage connected to an annular ring, the annular ring being in fluid communication with the cooling duct, . . . ,” as required by claim 11. See Rayner, Fig. 1.

Applicants respectfully submit that the Section 102(b) rejection of claim 18 based on Mela should be withdrawn because Mela fails to disclose each and every claim element. For example, independent claim 18 recites a combination of elements, including, *inter alia*, “an end plate . . . having an annular ring and a plurality of fluid passages formed therein, the plurality of fluid passages being configured to direct fluid from the annular ring into the operating region.” Mela fails to disclose at least these claim elements.

In the final Office Action, the Examiner asserted that Mela discloses “[a]n end plate 30, (Figure 2, bottom) adjacent the cooling jacket and having an annular ring and at least one fluid passage (through 52) formed therein, the fluid passage being configured to direct fluid from the annular ring into the operating region.” See final Office Action at page 5 (citing Mela, Fig. 2). Mela fails to disclose “an end plate . . . having an annular ring and a plurality of fluid passages formed therein, the plurality of fluid passages being configured to direct fluid from the annular ring into the operating region,” as required by amended claim 18. (Emphasis added.) Other than generally citing Fig. 2 of Mela, the final Office Action fails to specify any alleged disclosure of an “annular ring,” as required by claim 18.

Rejections Under 35 U.S.C. § 103(a)

Applicants respectfully request the withdrawal of the rejection of claims 3-10, 12-22, 24, and 29 under 35 U.S.C. § 103(a) based on Cathey in view of Mossay. Independent claim 12, although different in scope, includes language similar to that of claim 1. Furthermore, Mossay, relied on for its disclosure of a spiral or axial cooling duct (see final Office Action at page 6), fails to cure the deficiency of Cathey. Accordingly, claim 12 is allowable for reasons at least similar to those discussed above in connection with the Section 102(b) rejection of claim 1.

No *prima facie* case of obviousness has been established with respect to claim 18 for at least the reason that Cathey and Mossay, taken alone or in combination, do not teach or suggest each and every element recited in claim 18. For example, independent claim 18, as amended, recites a combination of elements, including, *inter alia*, “a cooling jacket having an outer surface with at least one cooling groove . . . ; an exterior sleeve disposed around the cooling jacket, the exterior sleeve and the cooling groove defining a cooling duct; . . . an end plate . . . having an annular ring and a plurality of fluid passages formed therein.” (Emphases added). Neither Cathey nor Mossay teach at least these claim elements. The Office Action fails to specify any alleged disclosure of “a cooling jacket having an outer surface with at least one cooling groove . . . ; an exterior sleeve disposed around the cooling jacket, the exterior sleeve and the cooling groove defining a cooling duct” in Cathey. See final Office Action at page 6. In fact, Cathey discloses that “stator assembly 19 is spaced apart from the housing 11 to form an annular cavity 26 . . . [and c]ooling fluids . . . circulate[] throughout the cavity 26.” See Cathey, column 2, lines 35-47. The stator assembly 19

in Cathey does not constitute a cooling jacket. Therefore, Cathey teaches away from “a cooling jacket having an outer surface with at least one cooling groove,” as required by claim 18. (Emphasis added.) Furthermore, Fig. 1 of Cathey, which is generally cited by the final Office Action, does not disclose “an end plate . . . having an annular ring and a plurality of fluid passages formed therein,” as required by claim 18. Moreover, Mossay, relied on for its disclosure of a spiral or axial cooling duct (see final Office Action at page 6), fails to cure the deficiency of Cathey.

Claims 3-10, 13-17, 19-22, 24, and 29 ultimately depend from one of claims 1, 12, 18, and 25, and, therefore, are allowable at least due to their dependency.

Applicants respectfully request withdrawal of the rejection of claims 18 and 23 under 35 U.S.C. § 103(a) based on Mossay in view of Rayner. No *prima facie* case of obviousness has been established with respect to claim 18, at least because the combination of Mossay and Rayner fails to disclose or suggest every claim element recited in claim 18.

For example, claim 18 recites a combination of elements, including, *inter alia*, “an end plate adjacent the cooling jacket and having an annular ring and a plurality of fluid passages formed therein, the plurality of fluid passages being configured to direct fluid from the annular ring into the operating region.” Neither Mossay nor Rayner, alone or in combination, discloses at least these claim elements. In the final Office Action, the Examiner acknowledged that Mossay does not disclose an end plate with an annular ring, and he asserted that Rayner discloses “the end plate (14) with an annular ring (circumferential portion) and passage (14) for the purpose of cooling the stator end windings.” See final Office Action at page 7, paragraph 9. Applicants respectfully

disagree with the Examiner's assertions. The purported "circumferential portion" in Rayner, as understood by the Applicants, does not constitute an annular ring.

Furthermore, reference (14) in Rayner cannot constitute a "passage" because the Examiner also maintains that reference 14 in Rayner is an "end plate." See final Office Action at page 7, paragraph 9. Assuming *arguendo* that Rayner allegedly discloses a passage, Rayner does not disclose "an end plate adjacent the cooling jacket and having an annular ring and a plurality of fluid passages formed therein," as required by claim 18.


Claim 23 ultimately depends from claim 18 and, therefore, is allowable at least due to its dependency. Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 31, 2005

By: 
Anthony M. Gutowski
Reg. No. 38,742